

Clause 10.

CHAIRMAN : There is no amendment to Clause 10.

MR. M. GOVINDAN (*Nominated*) : I rise to a point of order. There is one amendment by Mr. K. P. Nilakanta Pillai which runs as follows :

Add the words "on conviction" between the words 'punishable' and 'with' occurring in line 1 Clause 10 of the Bill.

CHAIRMAN : That member is not now there to move it. Therefore, under the rules, the amendment cannot be taken into consideration. It is not permissible, under the rules, for any other member to move it on behalf of the member who has sent it. There is therefore no amendment to Clause 10 before the House.

MR. M. N. PARAMESVARAN PILLAI : May I know whether any other member can move it as an independent amendment ?

CHAIRMAN : If I remember right, a ruling has been passed in this House that amendments should be given notice of before a particular time. As no amendment has been sent up till now, members are not at liberty, at this stage, to claim, as a matter of right, the opportunity to move amendments.

MR. M. GOVINDAN : I submit, Sir, that the Law Member may be requested to say whether he accepts the amendment or not.

MR. M. N. PARAMESVARAN PILLAI : I rise to a point of order. I want to know whether Mr. Govindan can raise the question after the ruling from the Chair on the matter.

CHAIRMAN : The Law Member knows his position. If he wants to move the amendment he can do so at the third reading of the Bill also. As he has not come forward now, it is presumed that the Law Member is not very particular about any changes in the Bill.

Clauses 10 to 19.

The question that Clauses 10 to 19 do stand part of the Bill was then put and carried. The Clauses were added to the Bill.

CHAIRMAN : Does the House agree to the title and preamble of the Bill being passed as they are ?

The House unanimously agreed, and the title and preamble of the Bill were added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI : I move that the Bill to provide for the imposition and collection of Excise duty on matches be passed.

MR. R. DHANUKOTI PILLAI : I second it.

The motion was then put to the vote of the House and carried, Mr. M. N. Paramesvaran Pillai alone being against it.

THE TRAVANCORE EDAVAGAI BILL.

MR. KAYALAM PARAMESVARAN PILLAI : Sir, I move that the Bill to provide for the settlement and better administration of certain Edavagais, as passed by the Sri Mulam Assembly, be taken into consideration. The Bill is designed.....

MR. M. N. PARAMESVARAN PILLAI: A point of order, Sir. Am I entitled to oppose the introduction of the Bill.

CHAIRMAN: The rules of procedure are clear on the point. The Law Member is bound to explain the general principles of the Bill. After the Bill is seconded, it is open to the member to move the opposition by a comment or speech afterwards.

MR. KAYALAM PARAMESVARAN PILLAI: The Bill is designed to provide for the settlement and better administration of certain Edavagais in the State. An Edavagai as defined in the Bill, as passed by the Assembly, and it is as follows:—

“Any tract or area recognised as such in Our Government accounts, the whole or any portion of which is exempt from the payment of land revenue to Our Government”.

The distinguishing feature of an Edavagai is that the holdings in the Edavagai are exempt from payment of any tax to Government. They may pay a tax or something like a tax to the proprietor of the Edavagai but they do not pay anything to Government, and therefore as regards the rent of the holdings and the nature of the various tenure within the Edavagai they are not brought into settlement by Government when they conducted the settlement in regard to Sirkar lands. There are four tracts of this sort, four Edavagais, which are brought within the purview of this Bill. They are the Poonjar Koikkal, Vanjipuzha Matom, Kilimanur Kottaram and Edapalli Swarupom. Of these, Kilimanur and Edapalli have already been settled under the provisions of the Revenue Settlement Proclamation of 1061 and as regards the administration of these Edavagais and the holdings within these Edavagais there is also a Statute, viz., the Estate Rent Recovery Regulation, IV of 1068. In regard to the Poonjar and Vanjipuzha Edavagais, they have not been settled as yet and one of the main purposes of the present Bill is to bring the holdings of these Edavagais and the tenures within these Edavagais to settlement. The main design of this settlement is that the holdings should be settled exactly in the same manner as Sirkar lands were settled, subject to certain exceptions. The main payment which the landholder owes to the Chief is to pay rent in respect of his holdings. In regard to this rent what is proposed in this Bill is to fix such an amount as rent as would be equivalent to Sirkar Pandarapattom on the same kind of land; that is to say, the amount that the land holder has to pay to the Chief should be exactly what the tenant would have been obliged to pay if that had been Government land, and it is also proposed that the holders should be given permanent occupancy rights in the same manner as holders of land under Government are given.

At present the Edavagai land is considered to be the property of the Chief. Whatever holdings are there, they are liable to be redeemed by the Chief so that the actual holder, the person who cultivates and enjoys the land, has no permanency of occupancy and he may be evicted out of the land at the expiry of the term, if any, for which the land had

been demised to him. Thus, a tenant has now two disabilities, namely, one that he has no fixity of tenure and two, that the rent is liable to be fixed at any amount, very likely, much higher than the amount that the holding would have had to pay if that had been Government land. It is the purpose of this Bill to give a permanency of occupancy to the holder and to regulate the rent that he may have to pay and bring it on to a level with the tax payable to Government in respect of Government lands. One important provision of this Bill then is as regards the rules for settlement, which are set out in Clause 5 of the Bill. The general scheme is that the lands in the Edavagai should be settled subject to the rules applicable to the settlement of Government lands. Certain exceptions are made and they are laid down in Clause 5 of the Bill and I shall briefly explain what those exceptions are. As I said already, the lands are liable to be redeemed by the Edavagai Chief, a fact which must be recognised throughout. It is open to him to go to a court of law and take the land into his possession and enjoy it as any private proprietor does. By this Bill it is proposed to take away that right from the Chief and to lay down that the land shall be enjoyed by the tenant permanently, that is to say, we are proposing to deprive the Chief this right to recover the land. Because this Bill proposes to deprive this proprietary right which the Chief to-day has, a *quid pro quo* is proposed to be given. For that purpose, it is proposed to levy a small tharavila, price of the land, for the conferment of the permanent rights which in no case shall exceed 15 Rs. per acre per year in the case of dry lands and Rs. 50 in the case of wet lands. The tharavila to be actually levied on the land will be governed by the rules to be made by the Government having regard to the nature of the land and other conditions then existing. Rs. 15 is only the maximum to be recovered for lands, coming under the category of dry land and Rs. 50 for the wet lands, and the tharavila is to be recovered in not less than 10 yearly instalments. By this arrangement a tenant is called upon to pay but a nominal sum per year. The principles applied in the case of settlement of Government lands will generally apply. But, because the Chief is deprived of a valuable right, there must be some compensation to him, and so the question of tharavila comes in. It has however to be remembered that the tharavila, although a price for the land, is not any adequate price at all. In the market these lands may fetch Rs. 50 or Rs. 100 and more: but the tharavila is only Rs. 15. It is not a competition price at all. The Legislature wants to restrict the price that the Chief may demand and that limit is Rs. 15 in the case of dry lands and Rs. 50 in the case of wet lands. Another limitation is that these are to be realised in ten equal yearly instalments from the tenants.

There are however lands given on permanent tenures such as Adima or Thirumoolam tenure. In such cases, the Chief himself has already parted with permanency right and that for some nominal rent. Those holdings will be respected by the present Bill. No tharavila will be levied on them, because they are not lands that may be recovered from the Chief under any circumstances. The contract must be

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maintained. And too, in respect of such lands the rent may be very nominal. By this Bill, it is not proposed to alter the rent and change it by bringing it up to the level of the Sirkar pattom. On no account will that rent be increased or decreased merely because the lands are to be brought under settlement on the basis of Sirkar lands. Thus the settlement will take cognisance and respect established proprietary rights and contractual rights. At the time of the settlement, details regarding pattom, tax, etc., will be determined. These fundamental principles are laid down under sub-clause (2) of clause 5. Government are to be authorised to frame rules to bring into effect all these principles so that the settlement may be carried out subject to the fundamental principles laid down in the Bill. It is also provided that when a settlement has been effected, it shall not be liable to alteration for a period of 30 years. In the Settlement Proclamation of 1061 also, it is provided that a settlement once effected shall not be liable to revision for a period of 30 years. Equally here also, once the lands are brought under settlement it shall not be liable to revision for 30 years. The general object of the Bill is to assimilate the lands in the Edavagais to the lands under Government.

Under clause 7, once the settlement is over the land holder will have a permanency of occupancy just as tenants who hold Government lands. Again, just like Puduval lands under Government, there may be unassigned lands in an Edavagai. In such cases the Chief may assign them but it should be subject to the laws and rules applicable to similar Government lands. Trespassers on unassigned lands may be evicted by summary process. That is in clause 9 of the Bill. In clause 11, it is provided that rent and other dues payable to the Chief may be recovered by the Revenue Recovery processes as is done in the case of Government lands held by tenants. It is also expressly laid down in clause 10 that the rent-roll and other accounts regarding Edavagai lands should be prepared and kept in the same manner as the records of Government lands are kept. It is further provided in the Bill that the powers of a Tahsildar or Peishkar for the purpose of eviction of trespassers and recovery of rent may be conferred on the agent of the Chief provided that such agent is a Government servant lent to the Chief for service under him. Further, it is also provided that the right of civil suit available to the parties shall remain intact except in regard to the amount of pattom assessed or the amount of rent fixed or hereafter fixed on land. The honourable Members know full well, that either at the settlement or at other times, the amount of land tax assessed is not liable to be questioned. It is provided that everything else shall be liable to be questioned in the civil court. There are provisions that will apply to the lands in an Edavagai after the settlement. Though Kilimanoor and Edapally have already been settled there are certain provisions which require to be applied thereto having regard to the existing conditions now, i. e., after the settlement; they are proposed to be added to the Estate Rent Recovery Regulation of 1068. This is in clause 18, of the Bill. By this, it is proposed to

assimilate all these four Edavagais, and put them on a par with Government lands. Fixity of tenure and limitation of rent are thus the two important principles formulated in the Bill. I commend this Bill, as passed by the Assembly, for the acceptance of this House. Sir, I move that the Bill be taken into consideration.

MR. R. DHANUKOTI PILLAI: I second it.

MR. M. N. PARAMESVARAN PILLAI: Sir, I have to oppose the introduction of this Bill even on the very fundamentals. In the statement of objects and reasons it is given out that this legislation is intended to confer upon the tenants of Poonjar and Vanjipuzhai Edavagais permanent rights of occupancy, both heritable and alienable. There was also much loud talk about the broad principles of tenancy legislation in this country and elsewhere and also of the laudable idea of conferring permanent rights of occupancy on tenants and so forth; but nobody seems to have bestowed any serious attention or considered the question on whom does this Bill really aim to confer permanent rights of occupancy. What is the use of conferring such rights upon big absentee landlords in Kottiyam, Haripad or Kanjirapalli who have successfully and dexterously managed to snatch away extensive territories from the Chiefs, while as a matter of fact thousands upon thousands of poor people who actually till and improve the soil are left without any rights or fixity of tenure to the flickering chance of being driven out of their small holdings by their tyrannical and exacting lessors. Nobody seems to have any sympathy or regard for these people. What we find is that what these poor people produce by the sweat of their brows are taken away from them by their avaricious lessors. Even according to the Bill permanent rights of occupancy are to be conferred only upon persons who hold lands on permanent or irredeemable titles, whereas in the case of others they have to purchase these lands on payment of tharavila. That, I say, is far from the original intention and the declared policy hitherto followed by the State as could be seen from prior legislations of similar nature. Neither at the time of the Settlement of Sirkar Venpattom lands by the Royal Proclamation of 1040, or when a similar measure was passed for the Edavagais of Kilimanoor and Edappalli in 1068, the Government ever thought of realising any tharavila from the tenants. The reason why the framers of this Bill have thought of providing for tharavila is not at all inexplicable. It is strenuously urged by those who hold the brief for the Chiefs that if this piece of legislation is not rushed through the Legislature at this juncture the Chiefs would be nowhere. All their lands have already gone out of their possession and control and if the Chiefs are not allowed to exercise such extraordinary powers as contained in this Bill, they will be thoroughly helpless. Certainly these Chiefs deserve our sympathy, but not, I say, our support in this fashion. It is high time that we refuse to show any respect for such big proprietary rights on lands. In these days of democratic and socialistic ideas and ideals one finds it difficult to support such a measure—a measure which is wholly one sided and which does not propose to benefit the actual tiller of the soil. That, Sir, is one side of the picture. I find that an attempt is made by this

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Bill to confer upon the agents of the Chiefs powers which are usually and ordinarily exercised by the officers of Government in the governance of the State under the Land Conservancy, the Land Assignment and the Revenue Recovery Regulations. Sir, a Government is a political necessity and the people are forced to submit to it for more reasons than one.

But it is shocking to all conceptions that a Government should be prepared to abdicate its Sovereign powers in favour of private individuals. The weapons which are now proposed to be given to the Chiefs are really dangerous and are likely to be misused. I would, therefore, earnestly appeal to this House to consider carefully whether we could most willingly lend our support to this measure. I use these words "most willingly" deliberately because I am aware of the forces and influences that are at work behind the curtain. We must remember that before us, legislators, lies a terrible responsibility of dealing with thousands upon thousands of human beings, by measures which if not conducive to their happiness will increase their miseries and even accelerate their deaths. What is the harm, I ask, in allowing these powers being exercised by the officers of Government acting as such. We have not till now heard of any difficulties having been experienced by the Chiefs of Kilimanoor and Edapalli for the past 40 years owing to the absence of such powers.

Then again with regard to the powers that are sought to be given under the Land Conservancy, the Land Assignment and the Revenue Recovery Regulations, I have to state that some of these powers are powers which the Government have refused to give even to such bodies as Municipal Councils which are supposed to be quasi-Governmental institutions for all practical purposes. We also find from the proceedings of the defunct Legislative Council that during the Regency when a similar attempt was made to confer such powers on the officers of Sreepadom our Legislature refused to give its assent although Sreepadom admittedly stands on a distinct and higher position than the Edavagai. Have not the Government by the Jenmi and Kudiyan Regulation of 1108 taken upon themselves the responsibility of collecting all the dues of the Jenmies? Why not the Government adopt the same method and take upon themselves the same responsibility with regard to Edavagai lands as well? I have no objection in having these lands surveyed and settled at the cost of the Chiefs, but why should they be given these extraordinary powers, is the question, I ask. Why not the Government undertake the collection of the dues just as they have undertaken the same in respect of the lands belonging to the jenmies and thus help the Chiefs? If a landed proprietor is really unable to protect the possession of his properties and conserve all his rights under the laws in force in the country there is no justification for conferring upon him wide and extraordinary powers usually exercised by Sovereigns and Governments. I would, therefore, ask the House before it gives its full consent to the Bill to consider all the implications involved therein; and that in case it finds that there is anything really objectionable in it, I think it has every reason to refuse its assent to the Bill in this

form. There is no force in the contention that only the officers of Government lent to the Chiefs by our Government alone will be allowed to exercise these powers. To me, there is absolutely no difference because so long as these officers eat the salt of the Chiefs they are sure to identify themselves with the Chiefs and the Government will not find time always to interfere in every case of misdeed committed by such officers in conjunction with the Chiefs. Sir, the liberty of the people is not a matter which could be thus subjected to such humiliation.

With these words, I oppose the introduction of the Bill in this House

MR. K. RAMA VARMA RAJA (*Edavagai*): I rise to support the Bill and in supporting so I wish to explain a few points which the honourable member Mr. Paramesvaran Pillai has misunderstood, in my opinion. The lands in the Edavagais are owned by the Edavagai Chiefs and do not form part of the State. He is the full owner of the land. He can deal with it in any way he wishes.

MR. M. N. PARAMESVARAN PILLAI: May I ask the honourable member why he wants the support of the Government?

MR. K. RAMA VARMA RAJA: The Chiefs wanted only to have the land surveyed and settled so that they may be sure of the amount of revenue that they might receive. The people of the locality who are the tenants of the Chiefs represented to the Government that they should have a hand in the legislature, that they should be made voters and that they should be placed as far as possible in the same position as the tenants under the Government. In this case, the Government came forward and offered help to the Chiefs on condition that the tenants of the Chiefs are given the same position as the tenants of the Pandara-pattom lands, that is, the proprietors of the lands in the State under the Government. In going through the provisions that have been inserted in the Bill, you will find that every clause has been introduced there in favour of the tenant. The tenant at present has no power whatever over the land, except over the value of improvements which the court of law might award. In some cases, mortgages have been executed by the Chiefs to some of the land holders in the Edavagai area. In some cases, certain irredeemable titles have been given; but in the majority of cases, Venpattom is the tenure enjoyed by the tenants of the Edavagai. They are tenants at will. At any time the Edavagai Chief can evict them from their holdings. Nobody is to question him. Even to occupy the land for a fixed period, the tenant has to pay a periodical fee, and a registering fee to the Edavagai Chief. He has to pay the rent periodically without allowing arrears to accumulate. The Chief requires some sort of support from the Government in the matter of collecting the dues from the tenants periodically in a speedy way.

Mr. Paramesvaran Pillai referred to the tharavila which is now sought to be imposed on the tenants. I have now to bring to the notice of the House that any tenant at will, who makes improvements on his land at the time of eviction might, according to the law prevailing in

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the State, demand value of improvements; but at the same time a portion of the value of improvements goes to the share of the jenmi, the land owner. Taking the Edavagai Chief to be the land owner in the same position as an ordinary jenmi, the jenmi's portion of the value of improvements should go to him. Ordinarily it is one-fourth, and in particular areas or localities it is more than that. Here the Edavagai Chief foregoes that right to his share in the value of improvements. He demands tharavila not exceeding Rs. 15 as it is put in this Bill per acre for the dry land and Rs. 50 in the case of the wet land. It is the maximum that he can demand. In case there is no value of improvements he might even not demand any tharavila; It is the maximum amount of tharavila of Rs. 15 that is now inserted in this Bill. I venture to say it is far less than the share the jenmi would get from the value of the improvements effected. In that case also, the tenant at present is benefited. He is quite ready even to pay more than Rs. 15 as tharavila to keep the fixity of tenure which he has been hoping to get for a long time. Therefore the Edavagai Chief now offers to give the permanent right of occupancy to the tenants on a payment of Rs. 15 per acre in the case of those tenants at will who are enjoying the lands under the Edavagai Chief with his consent. In the case of those who encroached upon the land, and who are keeping the land unauthorisedly and who have made improvements, Section 9 authorises the Chief to evict him without giving any value of improvements under the Land Conservancy Regulation. A provision is added to the same Section, which says that the tenants who have trespassed the land and who have made improvements upon the land are at liberty to register the whole property in their name, provided they are willing to pay a tharavila at the rate of Rs. 30 per acre for dry land and Rs. 100 per acre for wet land". This is justifiable and reasonable. These tenants who have entered upon the land unauthorisedly have been enjoying the land without paying a single cash to the land owner for a long time, and they have been making improvements upon the land; and for the enjoyment of the income they have derived in the past, owing to the unlawful enjoyment of the land, as a punishment they are to pay a little enhanced tharavila to get the holdings registered in their names. To say that under the Land Conservancy Regulation the powers conferred upon the officers of the Chiefs whereby unauthorised occupiers of the land are liable to be evicted, are unreasonable, is not true, especially, when the proviso is added saying that an option is given to them.

CHAIRMAN: May I draw the attention of the honourable member that only broad principles of the Bill are to be discussed and the discussion upon the various clauses of the Bill is inadmissible?

MR. K. RAMA VARMA RAJA: The principle adopted here is that the unauthorised occupiers should have to pay an enhanced rent for the unauthorised income that they have derived by trespassing upon the land. Even the trespassers are here dealt with leniently and as a result of acquiescing to this Bill the Edavagai Chiefs lose every sort of ownership that they had.

MR. M. N. PARAMESVARAN PILLAI: Are we to understand from the member that by the passing of the Bill the Chief is going to surrender all his rights to the tenants?

MR. K. RAMA VARMA RAJA: Practically he is surrendering all his rights to the tenant, except the right to get the rent. All the lands are proposed to be settled permanently in the names of the tenants. A tenant under the Edavagai Chief is going to become exactly like any holder of land under the Sirkar; and as long as he pays the rent regularly the Edavagai Chief shall have nothing to do with him. And, it is Government officers, who have been lent to the Chief, that are empowered to collect the rent for the Chief. And, every step taken by such officers is subject to appeal to the officers of Government, servants of the Government and not to the Chief. It is only on such officers that the powers of Tahsildar and Peishkar are to be conferred. Therefore, Sir, the Chief becomes, for practical purposes, a mere pensioner. The honourable member for Commerce and Industry in the Assembly, asked another member whether it would not be better to make these Chiefs pensioners. Sir, on account of the alterations made in this Bill by the Assembly, the Chief has practically become a pensioner.

MR. M. N. PARAMESVARAN PILLAI: Am I to understand that Mr. Raja is now opposing the Bill?

MR. K. RAMA VARMA RAJA: No, Sir.

As I have explained, for practical purposes, this enactment makes the Chief a pensioner, and the Chief acquiesces to that position on the one condition that he receives his rent regularly, and is enabled, by suitable provisions in the enactment, to collect his dues effectively and speedily. The Bill as it was introduced in the Assembly contained a provision that powers should be conferred on the Chief or his officers; but the Assembly has amended it, and now such powers can be conferred only on the officers of the Chief lent by the Government. That is another advantage scored by the tenant. Therefore, Sir, when the Chiefs have readily come forward to surrender all their rights in favour of the tenants merely reserving for themselves the right to get a pittance of a tharavilla at the lowest rate possible, and their rent, that also at the lowest rate possible, regularly, I wonder why honourable members come forward and oppose the Bill saying that it is in the interests of the Chief. I request the House to realise how it is really in favour of the tenants that this Bill should pass into law.

MR. G. NARAYANA AIYAR: Sir, I rise to support the principle of this Bill. The tenants under the Estates of Kilimanur and Edapalli are enjoying better proprietary rights than those under the Chiefs of Poonjar and Vanjipuzha at present. (*Louder, please.*) Sir, the position of the tenants under the Chiefs of Poonjar and Vanjipuzha is really ridiculous now. For, if a tenant wants to improve a property, cultivate it and spend money on it, he must certainly have some sort of proprietary right over it. No one will willingly spend his time, labour

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and money on a property over which he has absolutely no right even of permanent possession. He may be asked to quit at any time; and so, naturally, he may not be willing to spend his money upon improving such property. It is to the interest of the land lord also to see that the tenant improves the property, and keeps it in proper condition. Sir, I submit this is an enactment which was long overdue. I should like to make one more remark in this connection. Unlike the Jenmi and Kudiyan Regulation Amendment Bill, wherein the Jenmi's right was taken away from him without any consideration, it is gratifying to note that here at least when the proprietary right of the Chief is sought to be taken away, provision is made for his getting some consideration in the shape of tharavila. On the whole, the provisions of the Bill are wholesome and satisfactory. I support the Bill.

MR. K. K. THOMAS (*Nominated*): Sir, I have pleasure in extending my support to the provisions of this Bill. I do so because I am myself a tenant of another freehold-not of one of these four Edavagais mentioned in this Bill-and know how very necessary such an enactment is. As Mr. Narayana Aiyar observed, this is an enactment which was long overdue. The provisions in this Bill are very equitable. Sir, any one who knows the condition and history of litigation in Kottayam, about the lands in the Poonjar Edavagai, will realise how the aspirations of both the Chief and the tenant are satisfied by the provisions of this enactment. Sir, really, both the tenants and the Chiefs wanted badly the means to put their houses in order. Both Poonjar and Vanjipuzha are freeholds which do not pay anything to Government. The tenants under these Chiefs are tenants at will. There are also other similar Edavagais where also there is tenancy at will. Sir, none of these tenants now have any kind of proprietary right over these properties. This Bill provides for permanent proprietary rights for these tenants. It is therefore only equitable that the Chief is enabled to collect his dues speedily and effectively and is also given some consideration for proceeding with his valuable rights. Any one who knows the conditions in these localities will realise that the tharavila provided in the Bill is only nominal compared with the actual price of land in the localities. Land ordinarily sells at between Rs. 100 or 150 per acre, whereas the Bill provides for Rs. 15 per acre. I must therefore submit, Sir, that all the criticisms levelled against the imposition of tharavila is unfair. The right secured by the tenant under this Bill is very valuable to him; because hitherto he was not considered to have any right over the property, and no one would even advance his money on the security of his rights over these properties. The tenant can now cover his debts with the security of these properties and thus save himself from further trouble from his creditors. The rights of the tenant under this Bill are negotiable and purchasable. And the Chief also gets reasonable certainty about the regular payment of his dues. Naturally, the officers under the Chief are given the powers of the Proverthikar and the Tahsildar. There is nothing novel or unfair in this; because, under the Jenmi and Kudiyan Amendment Regulation, it is the Government

that have undertaken to collect the dues of the Jenmi for the Jenmi. The Munro Island Rules also contain similar provisions. The only difference is that, under this Bill, the officers doing this collection work will be the agents of the Chiefs. But, there is a safeguard also. There is the provision for appeal to officers in the active service of Government. So, the interests of both the tenants and the Chief have, therefore, been safeguarded in this respect also.

This is not the time for me to go into the details of the various provisions in the Bill. I heartily support the principle of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI: I have very little to add, Sir. But, I think it is necessary to make clear the implications of the observations made by Mr. M. N. Paramesvaran Pillai.

His main objection to the Bill is that the permanent occupancy rights are sought to be conferred not on the actual tiller of the soil but on the distant absentee owner of the property, holding land under the Chief.

MR. M. N. PARAMESVARAN PILLAI: A point of personal explanation, Sir. I want permanent occupancy rights to be conferred on persons who actually live in the property and not on those who live in distant places and are interested only in squeezing out what they can from the person actually working on the property.

MR. KAYALAM PARAMESVARAN PILLAI: His objection seems to be that the land is situated within the Edavagai whereas the person now claiming occupancy rights actually lives somewhere in Haripad, Kanjirapally or some such distant place. Sir, that is so in the case of Government land too. People may own lands in South Travancore or in Kuttanad and actually live in Trivandrum or in Quilon. I may frankly say, Sir, that so far as the Edavagai Chiefs are concerned, they can have absolutely no objection in the permanent occupancy rights being conferred on the actual tillers of the land instead of on the distant absentee owners. Only, their rent must be assured. That is all that they are keen about. But, it seems to me that the House will never accept the suggestion of Mr. Paramesvaran Pillai.

The motion that the Bill be taken into consideration was put to the vote of the House and carried, Mr. M. N. Paramesvaran Pillai alone voting against it.

Clauses 1 and 2.

The question that clauses 1 and 2 do form part of the Bill was then put and carried.

The clauses were added to the Bill.

Clause 3.

MR. M. N. PARAMESVARAN PILLAI: I move that in clause 3 (2)(a) after the words "cost of the" and before the word "settlement" add the words "survey and" be inserted.

As it is, we find that the Chief is asked to bear only the cost of the settlement and not of the survey. The survey of these lands is also likely to cost much and as such I think instead of the Government

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spending any money from the public Exchequer the chiefs should be asked to bear the whole burden of a settlement and survey. I am not unaware of the provisions in the Survey and Boundaries Regulation, Section 17 of that Regulation says that in cases where the Chief of an Edavagai applies that his lands should be surveyed, the cost should be borne by him, but in cases where the survey is undertaken by Government under clause (b), that is without such application, the cost has to be borne by the Sirkar under the proviso to Section 19. I think we will make the position clear by introducing this change in clause 3 (2) (a). It is for this purpose that I move this amendment.

The amendment fell through for want of a seconder.

MR. S. PIRAVIPERUMAL PILLAI: I second it.

MR. KAYALAM PARAMESVARAN PILLAI: But the Chair has already declared that the amendment has fallen through.

CHAIRMAN: Clause 3.

MR. K. K. THOMAS (*Nominated*): Mr. Paramesvaran Pillai has got an amendment to Clause 3.

CHAIRMAN: I ascertained whether there is anybody to second the amendment. But nobody came forward. So I ruled that the amendment fell. Afterwards if it is seconded it is not recognised by the Chair.

The question that clause 3 do form part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 4.

MR. M. N. PARAMESVARAN PILLAI: I move in clause 4 delete "a" occurring after the words 'on account of' and add 'survey and'. This amendment is also moved with the same object in view as the above one and I do not think it necessary for me to reiterate what I have already stated in connection with that amendment.

MR. S. PIRAVIPERUMAL PILLAI: I second it.

MR. KAYALAM PARAMESVARAN PILLAI: I oppose the amendment. The requisite provision is made in the Survey and Boundaries Regulation as pointed out by Mr. Paramesvaran Pillai himself.

MR. M. N. PARAMESVARAN PILLAI: May I know from the member the approximate cost of the survey in Poonjar?

MR. KAYALAM PARAMESVARAN PILLAI: I cannot say. If the Survey and Boundaries Regulation is defective, the proper method will be to seek to amend that Regulation.

MR. M. N. PARAMESVARAN PILLAI: May I know from the member whether it is provided that the Government should bear the cost in this connection?

MR. KAYALAM PARAMESVARAN PILLAI: A perusal of the Regulation will make it clear, Sir.

The amendment was put to the vote of the House and lost.

MR. M. N. PARAMESVARAN PILLAI: I demand a poll.

A poll was taken and the House divided as follows:—

AYES—I.

1 Mr. M. N. Paramesvaran Pillai

NOES—25.

1 Mr. V. S. Arumukham Pillai	14 Mr. R. Nilakanta Pillai
2 „ Kochikal P. Balakrishnan Tampi	15 „ K. P. Padmanabha Menon
3 „ C. V. Chandrasekharan	16 „ K. Padmanabha Panickar
4 „ R. Dhanukoti Pillai	17 „ N. K. Padmanabha Pillai
5 „ M. Govindan	18 „ K. Paramesvaran Pillai
6 „ M. Govinda Pillai	19 „ Kayalam Paramesvaran Pillai
7 „ Jacob Hassan Sait	20 „ K. Rama Varma Raja
8 „ C. M. Joseph	21 „ Komilezhathu Sankaran
9 „ K. N. Kesavan Namputiripad	22 „ James Simpson
10 „ A. Kumara Pillai	23 „ Kattiyattu Sivarama Panickar
11 „ Dr. N. Kunjan Pillai	24 „ K. K. Thomas
12 „ L. A. Lampard	25 Miss D. H. Watts
13 „ K. Madhavan Pillai	

NEUTRALS—6.

1 Mr. G. Narayana Aiyar	3 Mr. S. Piraviperumal Pillai
2 „ M. N. Narayana Menon	4 „ K. Sankaralingom Pillai
5 Mr. A. N. Visvanatha Pillai	

The question that clause 4 do form part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 5.

MR. M. N. PARAMESVARAN PILLAI: I do not move the amendment standing against my name, because I understand that the rules relating to settlement of Sirkar lands are to be applied to these lands; and, there are rules for fixing different rates for these lands. I think there is no necessity for me to move this amendment.

The following amendment was not moved:—

In clause 5 (2) (iv) (a) substitute the words "ten" for "fifteen" and "twenty-five" for "fifty" occurring in line 2.

The question that clause 5 do form part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 6.

MR. M. N. PARAMESVARAN PILLAI: I move the following amendment.—

[Mr. M. N. Paramesvaran Pillai.]

In clause 6 (2) add the words
 "and the cost thereof shall be borne by the chief"
 at the end,

MR. S. PIRAVIPERUMAL PILLAI: I second it.

MR. KAYALAM PARAMESVARAN PILLAI: Sir, I oppose the amendment. When the settlement is effected it will be done either under the provisions of this Regulation or some other Regulation then to be passed. If it is done under this Regulation, naturally the Chief will have to pay for it. If it is done under some other Regulation, hereafter to be passed that Regulation will make the necessary provision.

The amendment was declared lost.

The question that clause 6 do form part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 7.

The question that clause 7 do form part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 8.

MR. M. N. PARAMESVARAN PILLAI: I move the following amendment:—

Delete clause 8 and substitute the following :—

" Assignment of lands within an Edavagai shall be governed by the laws and rules for the time being in force for the time being in force for the assignment of Government lands and shall be made by officers of Our Government authorised by Our Government in that behalf. The assignees shall be deemed to be registered land-holders".

I do not think there is any necessity for me to make an elaborate speech. I have already referred to this point in the course of my speech made in opposition to the introduction of this Bill. The investing of powers under the Land Assignment Regulation, Land Conservancy Regulation and the Revenue Recovery Regulation, which this Bill now aims to do, upon the Chiefs or their agents, are highly objectionable. Instead of giving these powers to the agents of the Chiefs it will be better and to the interest of the people that these powers are reserved with Government and exercised by Government officers. That I think will be right and reasonable. I heard Mr. Raja saying that the Chiefs are practically surrendering their rights and retiring into seclusion. If that is so, the Chiefs can very well be contended with what they get by way of tharavila. Why should they claim these powers as well? Why not leave these powers exclusively in the hands of the Government officers who, I believe, will be able to carry out things to the satisfaction of both the Chiefs and their tenants. I would therefore commend this amendment for the acceptance of the House.

The amendment fell through for want of a seconder.

The question that clause 8 do form part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 9.

MR. M. N. PARAMESVARAN PILLAI : I move the following amendment :—

"Delete the whole of clause 9".

The amendment fell through for want of a seconder.

The question that clause 9 do form part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 10.

The question that clause 10 do form part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 11.

The question that clause 11 do form part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 12.

That question that clause 12 do form part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 13.

The question that clause 13 do form part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 14.

The question that clause 14 do form part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 15.

MR. M. N. PARAMESVARAN PILLAI : Sir, I move the following amendment;—

Delete clause 15 and substitute the following:—

"The powers of Proverthicar, Tahsildar, Dewan Peishkar and other officers under the Revenue Recovery Regulation I of 1968 shall be exercised by virtue of the provisions in Section 11 only by officers of Our Government acting as such and 5 per cent of the amount collected in pursuance of the said Regulation shall be appropriated by Government in return for the services rendered by such officers."

This amendment also goes along with the previous amendment and for the reasons stated by me, I think the existing provision of the Regulation ought to be deleted and in its place this amended clause substituted.

The amendment fell through for want of a seconder.

The question that clause 15 do form part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 16.

The question that clause 16 do form part of the Bill was then put and carried.

[Mr M. N. Paramesvaran Pillai.]

The clause was added to the Bill.

Clause 17.

The question that clause 17 do form part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 18.

The question that clause 18 do form part of the Bill was then put and carried.

The clause was added to the Bill.

Title and Preamble

The question that the title and preamble be retained was then put and carried.

MR. KAYALAM PARAMESVARAN PILLAI: Sir, I move that the Bill be finally passed.

MR. R. DHANUKOTI PILLAI: I second it.

The motion was carried and the Bill was passed.

THE TRAVANCORE IMPORTATION OF LIVE-STOCK BILL.

MR. KAYALAM PARAMESVARAN PILLAI: Sir, I move that the Bill to provide for the regulation of the importation of live-stock affected or suspected or liable to be affected by contagious or infectious diseases, as passed by the Assembly, be taken into consideration. The main principle of the Bill is to prohibit the import of diseased cattle or articles that are likely to affect cattle in Travancore. Travancore is an agricultural country and we want such powers as are proposed to be taken by this Bill.

MR. R. DHANUKOTI PILLAI: I second it.

The motion was put to the vote of the House and carried.

CHAIRMAN: The House will now proceed to consider the provisions of the Bill clause by clause. There are no amendments to any of the clauses of the Bill.

Clause 1.

The question that clause 1 do form part of the Bill was put and carried.

The clause was added to the Bill.

Clause 2.

The question that clause 2 do form part of the Bill was put and carried.

The clause was added to the Bill.

Clause 3.

The question that clause 3 do form part of the Bill was put and carried.

The clause was added to the Bill.